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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON**

In re:

GIGA WATT, Inc., a Washington
corporation,

Debtor.

Case No. 18-03197 FPC 11

The Honorable Frederick P. Corbit

Chapter 7

MARK D. WALDRON, as Chapter 7
Trustee,

Plaintiff,

vs.

Adv. Case No. 20-80031

**EGAN DECLARATION IN
SUPPORT OF TRUSTEE'S
REPLY TO PERKINS' AND
NESS' OPPOSITION TO
TRUSTEE'S MOTION TO
AMEND COMPLAINT**

PERKINS COIE LLP, a Washington
limited liability partnership,
LOWELL NESS, individual and
California resident, GIGA WATT
PTE., LTD., a Singapore corporation,
and ANDREY KUZENNY, individual
and Russian citizen,

Defendants,

- and -

THE GIGA WATT PROJECT, a
partnership,

Nominal Defendant.

EGAN DECLARATION IN SUPPORT OF
TRUSTEE'S REPLY TO PERKINS'
AND NESS' OPPOSITION TO TRUSTEE'S
MOTION TO AMEND COMPLAINT

1 I, Pamela M. Egan, declare as follows:

2 1. I submit this declaration in support of the *Trustee's Reply to Perkins'*
3 *and Ness' Opposition to Trustee's Motion to Amend Complaint* ("Reply")
4 *Trustee's Request for Judicial Notice in Support of Trustee's Reply to Perkins'*
5 *and Ness' Opposition to Trustee's Motion to Amend Complaint* ("RJN"), filed
6 herewith. Unless otherwise defined herein, capitalized terms used in this
7 Declaration have the meanings ascribed to them in the Reply or RJN, as
8 applicable.

9 2. My law firm, Potomac Law Group PLLC ("PLG"), is counsel to the
10 Trustee. I am a partner in PLG.

11 3. The statements set forth herein are based on my personal knowledge
12 or my review of the books and records of Giga Watt, Inc. ("Giga Watt" or
13 "Debtor"). If called as a witness, I would and could competently testify thereto.

14 4. A true and correct copy of the Turnover Request that I sent to Perkins
15 on April 9, 2019 is attached to the Reply as Exhibit A. Perkins' email response is
16 also included with Exhibit A. In addition, Perkins' counsel told me often and
17 without qualification that Perkins had not represented Giga Watt. At one point, he
18 said that Giga Watt was a stranger to Perkins.

19 5. In mid to late July 2022, Perkins' counsel and I simultaneously
20 obtained access to the Lighthouse Documents. Within days of gaining access to
21 the Lighthouse Documents, I informed Perkins' counsel that the Lighthouse

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1 Documents contradicted Perkins' representations that it had not represented Giga
2 Watt. I also told Perkins' counsel that the Lighthouse Documents created a
3 "paradigmatic shift" in the Trustee's case.

4 6. Mr. Cromwell and I agreed to take the current Scheduling Order
5 deadlines off the table. Mr. Cromwell volunteered that Perkins would not object to
6 the amending of the complaint. I clarified whether Perkins needed to see the
7 complaint beforehand. Mr. Cromwell said no. However, he needed to see the
8 amended complaint before he could begin to structure a new discovery schedule
9 with me.

10 7. On August 4, 2022, I sent a copy of the Usmanov Letter and all its
11 exhibits to Mr. Cromwell by email. A true and correct copy of the Usmanov Letter
12 is attached to the Reply as Exhibit B. A true and correct copy of the index of
13 exhibits that accompanied the Usmanov Letter is also included with Exhibit B.

14 8. That same day, August 4, 2022, Perkins sent me a supplemental
15 discovery disclosure. This supplemental discovery omitted emails from Perkins
16 telling the United States Secret Service ("USSS") on the day that Perkins
17 improperly released \$5.4 million from the GW ICO escrow that Perkins
18 represented Giga Watt.

19 9. The supplemental disclosure also omitted emails from Timur
20 Usmanov to Ness introducing himself as the CFO of Giga Watt, Inc. and stating
21

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1 that Usmanov considered Lowell Ness to be Giga Watt's "main contact person on
2 all out legal matters."

3 10. On August 8, 2022, I further supplemented the Trustee's discovery
4 disclosures by sending the Perkins Letter to Perkins. A true and correct copy of
5 the Perkins Letter is attached to the Reply as Exhibit C. The index of exhibits that
6 accompanied the Perkins Letter is included with Exhibit C. However, to conserve
7 resources, the actual exhibits that the Trustee included with the Perkins Letter are
8 not included with the Exhibit C.

9 11. I filed an amended pleading, on September 8, 2022, since withdrawn,
10 without a written consent or a motion for permission because Mr. Cromwell had
11 stated that Perkins did not need to see the amended before agreeing to its filing.
12 The timing of the filing related to certain discussions made during mediation.

13 12. After reading the September 8, 2022 complaint, Mr. Cromwell
14 informed me that Perkins would be objecting after all. After further discussion
15 with Perkins, I filed the Motion and proposed First Amended Complaint.

16 13. A true and correct copy of the *Order Denying Motion and Appeals*,
17 dated January 7, 2022, filed in the District Court in the appellate case, *Perkins*
18 *Coie LLP v. Mark D. Waldron, as Trustee*, Case No. 2:21-cv-00159-SAB, ECF
19 No. 21, is attached to the RJN as Exhibit 1.

20 14. A true and correct copy of the Remand Motion is attached to the RJN
21 as Exhibit 2.

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24 AND NESS' OPPOSITION TO TRUSTEE'S
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15. I filed the Motion in good faith.

16. Perkins has not conducted any depositions in this adversary proceeding. I have deposed Mr. Usmanov. That deposition has been continued and is not complete.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 24th day of October 2022 in Seattle, Washington.

s/ Pamela M. Egan

Pamela M. Egan